

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE**

<b>BRIAN CUMMINGS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>V.</b>	)	<b>Case No. 3:22-cv-00301</b>
	)	
<b>BRETTON KEEFER, on behalf of the</b>	)	
<b>deceased, CHESTA SHOEMAKER,</b>	)	
<b>AFSOON HAGH, and</b>	)	
<b>JEANNE BURTON, Trustee on behalf</b>	)	
<b>Of CUMMINGS MANOOKIAN, PLC,</b>	)	
	)	
<b>Defendants.</b>	)	

**JEANNE ANN BURTON, TRUSTEE’S MOTION TO REFER CASE TO  
BANKRUPTCY COURT AND SUPPORTING BRIEF**

COMES NOW Jeanne Ann Burton, Chapter 7 bankruptcy trustee for the estate of Cummings Manookian, PLC (“Trustee”), and respectfully moves for referral of this case to the United States Bankruptcy Court for the Middle District of Tennessee. In support thereof, the Trustee states as follows:

1. On or about March 22, 2022, Brian Cummings (“Plaintiff”) filed a *Complaint* against, Trustee and Bretton Keefer on behalf of the deceased, Chesta Shoemaker (“Complaint”) in the Circuit Court of Davidson County, Tennessee (the “State Court”). Subsequently, on March 29, 2022, Plaintiff filed an Amended Complaint (“Amended Complaint”) that added Afsoon Hagh as a defendant. The Amended Complaint sought a determination from the State Court concerning the rights to fees among attorneys related to a wrongful death lawsuit brought by Defendant Keefer.

2. Cummings Manookian, PLC (“CM”) filed for Chapter 7 bankruptcy relief in the Bankruptcy Court for the Middle District of Tennessee, Case No. 3:19-bk-07235 (the “Bankruptcy Case”), on November 6, 2019 (the “Petition Date”). Jeanne Ann Burton was appointed to serve as the Chapter 7 Trustee on the Petition Date and has been so serving since.

3. As part of her administration of CM’s estate, the Trustee filed a Complaint against Afsoon Hagh, Hagh Law, PLLC, and Manookian, PLLC<sup>1</sup>. This adversary proceeding was assigned case number 20-ap-90002 (the “AP”). A significant element of the allegations in the AP is that the defendants in the AP, including Afsoon Hagh (who is a defendant in this matter), received fees belonging to CM. Those fees included fees generated by a case in which Bretton Keefer, a defendant herein, was acting as plaintiff and upon which this matter is based.

4. Brian Cummings, the plaintiff in this action, alleges that he has an interest in those same fees generated by Mr. Keefer’s lawsuit. Thus, Mr. Cummings, Ms. Hagh, and the Trustee (on behalf of CM) each claim an interest in the fees at issue in this matter.

5. This matter is directly related to the AP which is already pending before the Bankruptcy Court and names the Trustee, in her capacity as a bankruptcy trustee, as a defendant in this matter. Thus, this matter is related to a pending bankruptcy matter as defined by 28 U.S.C. § 1334.

6. This Court entered an Order (Order 28-11) on July 13, 1984 that acts as a standing order of reference for any cases related to a bankruptcy matter. That Order

---

<sup>1</sup> First Citizens Bank & Trust Company was also named a defendant in that Complaint strictly to ensure the turnover of certain funds to the Bankruptcy Court. That having been accomplished, First Citizens Bank & Trust Company has now been dismissed from this matter.

provides that any or all cases under title 11, and any or all proceedings arising under title 11 or arising in and related to a case under title 11, be referred to the bankruptcy judges for this district. *See* 28 U.S.C. § 157.

7. Accordingly, the Trustee respectfully requests that this matter be referred to The Honorable Charles M. Walker for further proceedings. The Trustee has attached hereto a proposed order granting this motion.

WHEREFORE, premises considered, the Trustee requests that this case be referred to The Honorable Charles M. Walker of The United States Bankruptcy Court for the Middle District of Tennessee, and that the Trustee be granted such other and further relief to which she may be justly entitled.

April 26, 2022

Respectfully submitted,

s/ Phillip G. Young, Jr.

Phillip G. Young, Jr. (21087)

THOMPSON BURTON PLLC

6100 Tower Circle, Suite 200

Franklin, TN 37067

(615) 465-6008

Email: [phillip@thompsonburton.com](mailto:phillip@thompsonburton.com)

*Special Counsel for Jeanne Burton, Trustee*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of April, 2022, the foregoing *Motion to Refer Case to Bankruptcy Court and Supporting Brief* was served via first-class U.S. Mail, postage prepaid, upon the following:

Brian Cummings  
c/o James W. Price, Esq.  
201 4<sup>th</sup> Avenue N., Suite 1800  
Nashville, TN 37219

Bretton Keefer O/B/O Chesta Shoemaker (Deceased)  
5960 Pumpkintown Lane  
Lafayette, TN 37083

Afsoon Hagh  
1906 Glen Echo Road  
Nashville, TN 37215

s/ Phillip G. Young, Jr.  
Phillip G. Young, Jr.